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Ethics expert: ISU researcher should be prosecuted

Jan. 18, 2014 | 7 Comments

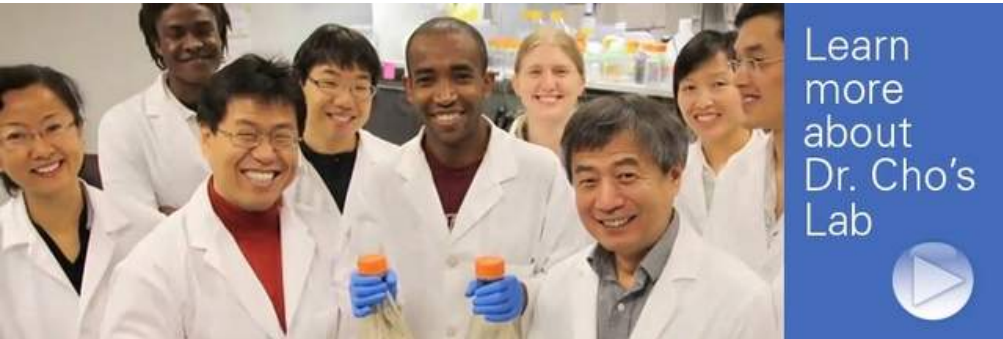
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Dong Pyou Han, front right, stands with the rest of an ISU research team led by Michael Cho, front left, in a picture promoting their work to develop an AIDS vaccine. Han resigned last fall after admitting faking results of experiments. / Special to the Register

Written by
Tony Leys

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Someone should have notified law enforcement authorities that an Iowa State University scientist helped bring in millions of federal grant dollars by blatantly faking AIDS-vaccine results, a national research-ethics expert said Friday.

“Fraud like this, involving significant sums of taxpayer money and harm to people who rely on this information ... should be criminally prosecuted,” said Arthur Caplan, a bioethics professor at New York University.

The scientist, Dong Pyou Han, resigned from ISU last fall. He admitted that he spiked rabbit blood with human antibodies to make it appear that a vaccine was protecting the animals against HIV, the virus that causes AIDS. He also admitted falsifying data in reports.

Harkin and Grassley weigh in on fraud case

U.S. Sen. Tom Harkin, an Iowa Democrat who helps oversee the National Institutes of Health, expressed disappointment Friday about the discovery of research fraud at Iowa State University. “I fight hard for this funding, so it is particularly upsetting for me to hear allegations of it being misused. This case should be

This was not a run-of-the-mill case of plagiarism or a researcher fudging a few numbers in a paper, Caplan said. “Here,

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thoroughly examined and all appropriate measures taken to safeguard taxpayer funds and ensure that funds are not diverted from truly lifesaving research,” he said in a prepared statement.

Iowa’s other U.S. senator, Republican Chuck Grassley, also released a statement in response to a Register query about the case: “The federal government has the authority to try to recover taxpayer dollars spent on research misconduct,” Grassley said. “Whether or not the government uses this authority and how much money it’s recovered in total are important questions. If this authority is under-used, the government could be wasting an opportunity to discourage the misuse of research dollars, in addition to not recovering what it should. The inspector general responsible for the National Institutes of Health ought to be meaningfully engaged in misconduct cases. With billions of research dollars at stake, we need to make sure all hands are on deck in preventing fraud and waste.”

Spokeswomen for both senators said they were unsure if law-enforcement authorities should have been brought into the matter.

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you’ve got just flat-out fraud, like somebody doctoring a credit card.”

University documents released to The Des Moines Register this week suggest that Han, 56, likely returned to his native Korea after quitting. If so, Caplan said, it could be tough for authorities to prosecute Han even if they wanted to.

The documents Iowa State released this week include scores of emails between ISU officials and federal research administrators. The emails were exchanged last year after outside scientists questioned the results of the ISU vaccine research. ISU and federal officials discussed at length how to determine who was at fault and then what administrative steps to take against Han. The emails don’t include discussion of reporting the matter to law enforcement.

University spokesman John McCarroll said he did not believe ISU alerted criminal prosecutors, or that it should have been expected to. McCarroll said ISU properly alerted federal research administrators, including officials of the federal Office of Research Integrity, and kept them informed of the internal investigation.

McCarroll also said that the remaining members of the research team have undertaken training in ethics. No one else on the team, including lead professor Michael Cho, has been accused of wrongdoing. ISU’s investigation was closed after Han resigned.

Han signed a confession in September and agreed to be banned for five years from participating in research financed by the National Institutes of Health. The Register has been unable to reach him for comment.

Caplan said there have been a few criminal prosecutions for research misconduct involving trials of new drugs on people. But such prosecution is almost unheard of in cases involving animal research, he said.

The National Institutes of Health awarded the team \$19 million in research grants over several years, including when the researchers used to work at Case Western University in Ohio. A federal

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administrator said \$10 million of the money came in response to the “exciting results” the researchers reported about their AIDS vaccine. About \$4 million has yet to be spent. McCarroll, the ISU spokesman, said the university has not been asked to repay any money, and it has not been told that any of the remaining money would be withheld.

Ivan Oransky, a New York physician and journalist who writes about research ethics, said he would be surprised if federal officials try to recoup the grant money. “It’s not a high priority for NIH to push for restitution because the money wouldn’t go back to them. It would go back to the Treasury,” he said.

Oransky said Han’s banishment was unusually strong punishment. Few scientists even lose their jobs after being caught in misconduct, he said. Oransky agrees with Caplan that criminal prosecution should have been considered in the ISU case.

A National Institutes of Health spokeswoman said Friday that she could not reach officials in her agency to provide a comment.

Cho, the professor who leads the ISU team, has expressed disappointment in his former colleague, but he vowed to continue with vital work toward developing an AIDS vaccine. He did not respond Friday to a request for comment about whether law enforcement officers should have been notified of the situation.

A spokesman for U.S. Attorney Nick Klinefeldt of Des Moines said the office would not comment on the matter.

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